

ESTTA Tracking number: **ESTTA1114458**Filing date: **02/15/2021**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
Correspondence Address	MICHAEL R. KRINSKY RABINOWITZ BOUDIN STANDARD KRINSKY & LIEBERMAN PC 14 WALL ST, STE 3002 NEW YORK, NY 10005 UNITED STATES Primary Email: mkrinsky@rbskl.com Secondary Email(s): dgoldstein@rbskl.com, lfrank@rbskl.com 212-254-1111
Submission	Testimony For Plaintiff
Filer's Name	Lindsey Frank
Filer's email	lfrank@rbskl.com, mkrinsky@rbskl.com, dgoldstein@rbskl.com
Signature	/Lindsey Frank/
Date	02/15/2021
Attachments	Dkt 111-115 SJ P.Ex. 85.pdf(286147 bytes) Dkt 111-115 SJ P.Ex. 88.pdf(287491 bytes) Dkt 111-115 SJ P.Ex. 89.pdf(285888 bytes) Dkt 111-115 SJ P.Ex. 90.pdf(285665 bytes) Dkt 111-115 SJ P.Ex. 91.pdf(290903 bytes) Dkt 111-115 SJ P.Ex. 92.pdf(285898 bytes) Dkt 111-115 SJ P.Ex. 93.pdf(285418 bytes) Dkt 111-115 SJ P.Ex. 102.pdf(920213 bytes) Dkt 111-115 SJ P.Ex. 103.pdf(285665 bytes) Dkt 111-115 SJ P.Ex. 104.pdf(285436 bytes) Dkt 111-115 SJ P.Ex. 152.pdf(3180268 bytes) Dkt 111-115 SJ P.Ex. 153.pdf(285648 bytes) Dkt 111-115 SJ P.Ex. 154.pdf(285904 bytes) Dkt 122 SJ P.Ex. 157.pdf(285692 bytes) Dkt 124-26 SJ P.Ex. 163.pdf(285166 bytes) Dkt 124-26 SJ P.Ex. 165.pdf(286152 bytes) Dkt 124-26 SJ P.Ex. 169.pdf(285665 bytes) Dkt 124-26 SJ P.Ex. 170.pdf(3458088 bytes) Dkt 124-26 SJ P.Ex. 171.pdf(3338781 bytes) Dkt 124-26 SJ P.Ex. 172.pdf(3004800 bytes) Dkt 124-26 SJ P.Ex. 175.pdf(1205014 bytes) Dkt 124-26 SJ P.Ex. 182.pdf(285176 bytes) Dkt 124-26 SJ P.Ex. 185.pdf(286516 bytes) Dkt 124-26 SJ P.Ex. 193.pdf(285618 bytes) Dkt 124-26 SJ P.Ex. 196.pdf(286383 bytes) Dkt 135 SJ P.Ex. 205-208.pdf(293430 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

Cancellation No. 92025859

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EMPRESA CUBANA DEL TABACO, d.b.a.	:
CUBATABACO,	:
	:
Petitioner,	:
	:
v.	:
	:
GENERAL CIGAR CO., INC.	:
	:
Respondent.	:
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PARTY OFFERING: PETITIONER

DESIGNATION in 97 Civ. 8399 (RWS), United States District Court, Southern District of New York, *Empresa Cubana de Tabaco d.b.a. Cubatabaco v. Culbro Corp. and General Cigar Co., Inc.*):

Filings: Dkt 111-115 (SJ P.Ex. 85)

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Filings: Dkt 111-115 (SJ P.Ex. 88)

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Filings: Dkt 111-115 (SJ P.Ex. 89)

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Filings: Dkt 111-115 (SJ P.Ex. 90)

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Filings: Dkt 111-115 (SJ P.Ex. 91)

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Filings: Dkt 111-115 (SJ P.Ex. 92)

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Filings: Dkt 111-115 (SJ P.Ex. 93)

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PARTY OFFERING: PETITIONER

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Filings: Dkt 111-115 (SJ P.Ex. 102)

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GAZETA OFICIAL

29 de Abril de 1961

POR TANTO: Mandó que se cumpla y ejecute la presente Ley en todas sus partes.

DADA en el Palacio de la Revolución, en La Habana, a los 15 días del mes de abril de 1961.

OSVALDO DORTICOS TORRADO

Viceletrado
Primer Ministro

Marcos Fernández Font
Ministro del Comercio Exterior

Si

OSVALDO DORTICOS TORRADO, Presidente de la República de Cuba

HAGO SABER: Que el Consejo de Ministros ha acordado y yo he sancionado lo siguiente:

POR CUANTO: El incremento de la demanda interna y externa del tabaco en todas sus formas, precisa la organización de una empresa que, como Organismo Central, abarque todas las actividades relacionadas con el cultivo, producción y distribución, así como la ejecución y operación del comercio exterior de un producto y la dirección técnica de su base agrícola.

POR TANTO: En uso de las facultades que le están conferidas, el Consejo de Ministros resuelve dictar la siguiente:

LEY No. 1191

DISPOSICIONES GENERALES

ARTICULO 1.—Se crea una personalidad jurídica independiente y patrimonio y administración propia, la Empresa Cubana del Tabaco, que tendrá los fines y funciones que se determinan en la presente Ley.

La Empresa Cubana del Tabaco, que por esta Ley se crea, será identificada a todos los efectos legales por la sigla "CUBATABACO" y estará sujeta a la legislación mercantil en sus relaciones con terceros, en las operaciones de comercio exterior que realice.

ARTICULO 2.—A la Empresa CUBATABACO corresponderá la dirección, ejecución y supervisión de los planes de desarrollo de la economía tabacalera de la Nación y en especial el fomento de la exportación del tabaco.

ARTICULO 3.—La Empresa CUBATABACO tendrá su domicilio en la Ciudad de La Habana, República de Cuba, y podrá realizar operaciones mercantiles en todo el territorio nacional y en el extranjero, por medio de las oficinas que a ese fin organice, o a través de los representantes, apoderados o delegados que al efecto designe.

ARTICULO 4.—El capital de la Empresa Cubana del Tabaco (CUBATABACO) estará constituido por la suma de \$1,000,000 de los cuales \$100,000 corresponden al Capital de la Empresa Cubana Exportadora de Tabaco, que se le fusiona, y el resto en efectivo será aportado por el Estado cubano.

ARTICULO 5.—La Empresa CUBATABACO responderá por su patrimonio de las obligaciones que contraiga al realizar sus operaciones mercantiles y en consecuencia se

deberá responsable de las obligaciones que correspondan a ella, el que tampoco responderá en caso alguno de contraindices por la Empresa.

De las Funciones

ARTICULO 6.—Para el cumplimiento de los fines en la presente Ley se establecen, la Empresa CUBATABACO, deberá:

- a) Realizar estudios económicos relacionados con el desarrollo prospectivo de la economía tabacalera.
- b) Confeccionar el plan anual de la Empresa de acuerdo con las directivas y orientaciones emitidas por la Junta Central de Planificación.
- c) Velar porque el desarrollo de la producción tabacalera en sus distintas fases y aspectos, se realice de acuerdo con la política trazada por el Gobierno revolucionario.
- d) Dirigir, orientar y supervisar técnicamente la producción agrícola tabacalera, tanto en el sector estatal como en el privado, mediante la fijación por zonas las cantidades, tipos y clases de tabaco a producir, la determinación y afectación de nuevas áreas agrícolas, con vista a su desarrollo prospectivo, al establecimiento de normas técnicas para la siembra, cultivo y recolección del tabaco y la organización de centros de experimentación e investigación.
- e) Organizar y ejecutar la producción de semillas y milleros, a fin de lograr pasturas que garanticen máximo de rendimiento y calidad.
- f) Organizar, dirigir, ejecutar y supervisar el cultivo tabacalero, y establecer las normas de selección que rigen en su clasificación, tiempo, beneficio, almacenamiento y fumigación.
- g) Organizar, dirigir, ejecutar y supervisar la producción industrial de tabacos y cigarrillos, teniendo presente la mayor eficiencia, la mayor utilización de la capacidad instalada, el aumento de la productividad, la disminución de los costos y el mejoramiento de la calidad de los productos.
- h) Organizar la adquisición, producción, almacenamiento y distribución de los insumos y demás materiales que se requieren para el abastecimiento de la empresa de los agricultores privados del tabaco, así como adquisición de bienes y activos de cualquier clase y naturaleza que considere necesarios al cumplimiento de sus fines.
- i) Organizar, dirigir y realizar la distribución de tabacos, cigarrillos y raras y demás productos del tabaco en el mercado interno, así como la de los países extranjeros, velando porque las entregas de dichos productos se realicen en unidades de detallistas, lo sean en las cantidades y surtidos necesarios, según los requerimientos de la población.
- j) Impulsar los precios y márgenes comerciales que han de regir para el cultivo del tabaco y la distribución mayorista y minorista del tabaco, cigarrillo y raras y demás productos del tabaco.

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28 de Abril de 1966

GACETA OFICIAL

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1) Dirigir las operaciones relativas a la exportación de tabaco en todas sus formas, incluída la gestión de ventas en los mercados extranjeros y, en su caso, las demás operaciones del comercio exterior del tabaco que le asigne el Gobierno, ajustándose a la política comercial que desarrolla el Ministerio del Comercio Exterior.

2) Constituir y administrar reservas de tabaco.

3) Coordinar las medidas destinadas a facilitar el estudio y la implantación de las normas y disposiciones de las materias primas, insumos y demás materiales que regulan la producción tabacalera.

4) Establecer correspondientemente medidas, normas y especificaciones destinadas a garantizar la calidad de los productos de la industria tabacalera.

5) Participar en las actividades de cooperación científica y técnica que se realicen en el campo de la economía tabacalera, ya sea en relación con otros organismos nacionales como con los que se desarrollan con otros países por los organismos competentes y coordinar la prestación recíproca de esas actividades, entre las dependencias y unidades.

Del Gobierno y Organización

ARTICULO 7.—El gobierno y administración de la Empresa estarán a cargo de un Director, un Subdirector y un Gerente de Exportación, que tendrán las atribuciones y facultades que se establecen en esta Ley y las que se determinen en el Reglamento Orgánico.

ARTICULO 8.—El Director de la Empresa será designado y removido libremente por el Presidente de la República, quien también nombrará al Subdirector, a propuesta del Director de la Empresa.

El Gerente de Exportación será designado y removido libremente por el Director de la Empresa.

ARTICULO 9.—El Director de la Empresa ostentará su representación legal, sin perjuicio de las facultades que por el Artículo 11 de esta Ley se confieren al Gerente de Exportación y, en su carácter de Jefe Superior de la misma, tendrá facultado para:

a) Ejercer la alta dirección y supervisión de la Empresa, sus dependencias y unidades.

b) Dirigir la formulación, ejecución y control del plan de la Empresa, velando por el estricto cumplimiento de las obligaciones comerciales y financieras de la misma.

c) Acordar, concertar y suscribir a nombre y por cuenta de la Empresa, los contratos y cualesquiera otros documentos que se requieran.

d) Nombrar, promover, trasladar y separar al personal de la Empresa, de acuerdo con la legislación laboral vigente.

e) Contratar el personal técnico y los servicios que correspondan para el cumplimiento de las funciones.

f) Dictar, mediante resoluciones, las normas que resulten necesarias para el mejor funcionamiento de la Empresa, sus dependencias y unidades.

g) Delegar cualesquiera de las anteriores facultades y las demás que le correspondan en el Subdirector o en cualquier otro personal dirigente de la Empresa.

ARTICULO 10.—El Subdirector ejercerá las facultades que se le confieren en el Reglamento Orgánico y las que en el diálogo el Director y sustituirá a éste en todos los casos de ausencia temporal.

ARTICULO 11.—El Gerente de Exportación ostentará la representación legal de la Empresa en todas las operaciones y transacciones, relacionadas con la exportación de tabaco en todas sus formas. A esos fines tendrá las atribuciones y facultades que de le asignen en el Reglamento Orgánico y en especial para acordar, concertar y suscribir, a nombre y por cuenta de la Empresa, los contratos y cualesquiera otros documentos públicos o privados que se requieran: otorgar poderes de todas clases y revocarlos; librar, suscribir, aceptar y endosar documentos mercantiles; abrir, operar y cerrar cuentas bancarias, tanto en Cuba como en el extranjero, y realizar cuantas más operaciones a gestiones bancarias y mercantiles autorice la legislación vigente, ejecutándolas por sí o por medio de otras personas en las que delegue sus facultades.

ARTICULO 12.—La Empresa Cubana del Tabaco (CUBATABACO) se organizará internamente en las oficinas, dependencias, unidades y delegaciones provinciales y regionales que se determinen en el Reglamento Orgánico.

ARTICULO 13.—En la Empresa Cubana del Tabaco (CUBATABACO) existirá un Consejo de Dirección que funcionará como órgano asesor del Director, en todos los asuntos en que a su juicio se requiera la discusión y orientación colectiva respecto a la actividad general de la Empresa.

El Consejo de Dirección será presidido por el Director de la Empresa, se reunirá cuando éste lo disponga y se integrará conforme se determinen en el Reglamento Orgánico.

DISPOSICIONES TRANSITORIAS

PRIMERA: Todas las empresas del sector estatal que a la promulgación de esta Ley se encuentren desarrollando actividades relacionadas en cualquier forma con la producción del tabaco, con excepción de las agrícolas, se fusionarán a la Empresa Cubana del Tabaco (CUBATABACO), que por esta Ley se crea.

Como consecuencia de la fusión que por esta Disposición Transitoria se establece, se asignan a la Empresa Cubana del Tabaco (CUBATABACO), todos los fondos, equipos, archivos, documentos y personal, incluídos los medios básicos, circulantes y financieros que están asignados o corresponden a las empresas que se le fusionan.

SEGUNDA: El Director de la Empresa Cubana del Tabaco (CUBATABACO), coordinará con los Ministros y jefes de los organismos que correspondan, los traslados de personal, unidades y dependencias que correspondan.

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TERCERA: Hasta tanto se dicte el Reglamento Orgánico al Director de la Empresa Cubana del Tabaco (CUBATABACO), asumirá, en adición a las atribuciones y funciones que se le confieren en esta Ley, cuantas más sean necesarias al cumplimiento de las mismas para los cuales ha sido creada la Empresa, quedando autorizada para, mediante resoluciones, disponer su estructura orgánica y dictar los reglamentos y demás disposiciones por las que habrán de regirse las oficinas, dependencias, unidades y delegaciones Provinciales y Regionales de la Empresa.

CUARTA: Se faculta al Presidente del Banco Nacional de Cuba para hacer las remisiones de créditos y sujeción de consignaciones en el Presupuesto Nacional que fueren necesarias para el cumplimiento de lo dispuesto en esta Ley.

DISPOSICIONES FINALES

PRIMERA: La Empresa Cubana del Tabaco (CUBATABACO), que por esta Ley se crea, se subroga en las acciones y derechos y se sustituye en las obligaciones contractuales y extracontractuales de la Empresa Cubana Exportadora de Tabaco (CUBATABACO), creada por la Resolución número 2 de primero de enero de 1962, del Ministro del Comercio Exterior, de la que es sucesora y continuadora.

SEGUNDA: Se faculta al Director de la Empresa Cubana del Tabaco (CUBATABACO) para dictar el Reglamento Orgánico de la Empresa.

TERCERA: Se autoriza al Ministro de Justicia para tramitar, en la forma y bajo las condiciones que estime oportunas, a la Empresa Cubana del Tabaco (CUBATABACO) que por esta Ley se crea, todas las modalidades de propiedad industrial que se refieran al tabaco, que haya adquirido o adquiriera, por cualquier título, el Estado cubano, ya se encuentren inscritas o no a su favor en los Registros correspondientes.

CUARTA: Se derogan cuantas disposiciones legales y reglamentarias se opongan al cumplimiento de lo dispuesto en la presente Ley, la que comenzará a regir a partir de su publicación en la GACETA OFICIAL de la República.

POR TANTO: Mando que se cumpla y ejecute la presente Ley en todas sus partes.

DADO en el Palacio de la Revolución, en La Habana, a los 35 días del mes de abril de 1964.

OSVALDO DORTICOS TORRADO

Fidel Castro Ruz
Primer Ministro

José Domínguez Benítez
Ministro de Industrias

DECRETO No. 2224
En uso de las facultades de que estoy investido, a propuesta del Ministro de Justicia y asistido del Consejo de Ministros,

Resuelve:
Aceptar la renuncia que del cargo de Teniente Fiscal de la Audiencia de Santiago de Cuba ha presentado el doctor José Víctor Casasús Martín.
El Ministro de Justicia queda encargado del cumplimiento de lo que por el presente Decreto se dispone.

DADO en el Palacio de la Revolución, en La Habana, a 15 de marzo de 1964.

OSVALDO DORTICOS TORRADO
Presidente

Fidel Castro Ruz
Primer Ministro

Alfredo Yabar Matuf

Ministro de Justicia

DECRETO No. 2235
En uso de las facultades de que estoy investido, a propuesta del Ministro de Justicia y asistido del Consejo de Ministros,

Resuelve:

Aceptar la renuncia, que del cargo de Teniente Fiscal de la Audiencia de Santiago de Cuba ha presentado el doctor Teobaldo Marcelino Vinas Padron.

El Ministro de Justicia queda encargado del cumplimiento de lo que por el presente Decreto se dispone.

DADO en el Palacio de la Revolución, en La Habana, a 15 de marzo de 1964.

OSVALDO DORTICOS TORRADO
Presidente

Fidel Castro Ruz
Primer Ministro

Alfredo Yabar Matuf
Ministro de Justicia

DECRETO No. 2236
En uso de las facultades de que estoy investido, a propuesta del Ministro de Justicia y asistido del Consejo de Ministros,

Resuelve:

Aceptar la renuncia presentada por el doctor Vidal Morales y Calvo, del cargo de Registrador de la Propiedad de Matanzas, en el territorio de la Audiencia de Matanzas, declarando vacante dicho cargo.

El Ministro de Justicia queda encargado del cumplimiento de lo que por el presente Decreto se dispone.

DADO en el Palacio de la Revolución, en La Habana, a 24 de marzo de 1964.

OSVALDO DORTICOS TORRADO
Presidente

Fidel Castro Ruz
Primer Ministro

Alfredo Yabar Matuf
Ministro de Justicia

Declaration of Translation
of Ley No. 1191 (P17230-17232)

Debra Evenson declares under penalty of perjury under the laws of the United States that the following is true and correct:

1. I am a lawyer, licensed to practice law in the State of New York, and am of counsel to the law firm Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C. I was professor of law at DePaul University School of Law from 1980-1993 where I taught comparative international law. I am fluent in the Spanish language.
2. I translated Ley No. 1191 (P17230-17232) from Spanish into English. I attach hereto a copy of the original documents in Spanish and the translation thereof which is a true and correct translation into English.

Signed this 14th day of January of 2002


DEBRA EVENSON

Translation of Ley No. 1191 (P17230-33)

OSVALDO DORTICOS TORRADO, President of the Republic of Cuba

MAKES KNOWN: That the Council of Ministers has resolved and I have sanctioned the following:

WHEREAS: The increase in the internal and foreign demand for tobacco in all its forms, requires the organization of an enterprise which, as a Central Organism, covers all of the activities related to the cultivation, production and distribution, as well as the execution and operation of foreign commerce of that product and the technical direction in its agricultural phase.

THEREFORE: In use of the powers conferred on it, the Council of Ministers resolves to enact the following:

Law No. 1191

GENERAL PROVISIONS

ARTICLE 1. - The Empresa Cubana del Tabaco is created with independent legal personality and patrimony and its own administration, which will have the objectives and functions that are determined by the present Law.

The Empresa Cubana del Tabaco, which is created by this law, shall be identified for all legal effects by the name CUBATABACO and shall be subject to the commercial legislation in its relations with third parties in the foreign commercial operations it undertakes.

ARTICLE 2. - The direction, execution and supervision of the plans of development of the tobacco economy of the Nation and in especial the promotion of the export of tobacco corresponds to the enterprise CUBATABACO.

ARTICLE 3. - The enterprise CUBATABACO will have its domicile in the City of Havana, Republic de Cuba, and shall undertake mercantile operations in all of the national territory and in the world, by means of offices which for this purpose it may organize, or through representatives, agents or delegates which it may designate for this purpose.

ARTICLE 4. - The capital of the Empresa Cubana del Tabaco (CUBATABACO) shall be comprised of the sum of \$1,000,000 of which \$100,000 corresponds to the Capital of the Empresa Cubana Exportadora de Tabaco, which is merged into it, and the rest in cash will be provided by the Cuban State.

ARTICLE 5. - The Empresa CUBATABACO will respond with its own patrimony for the obligations which it contracts to undertake its commercial operations

and consequently will not be liable for the obligations of the State, which will also not be liable in any case for those contracted by the Empresa.

On the Functions

ARTICLE 6. -- For the fulfillment of the purposes of the present Law it is established that the Empresa CUBATABACO shall:

- a) Undertake economic studies related to the economic perspective of the tobacco economy.
- b) Draw up the annual plan of the Empresa in accord with the directives and orientations issued by the Central Planning Board.
- c) Oversee that the development of the tobacco production in its distinct phases and aspects is undertaken according to the policy outlined by the revolutionary Government.
- d) Direct, orient and supervise technically the tobacco agricultural production, in the state as well as in the private sector, by establishing by zones the quantities, types and classes of tobacco to be produced and the determination and adoption of new areas for planting, with a view toward the future development, the establishment of technical norms for the planting and the harvesting of tobacco and the organization of centers of experimentation and research.
- e) Organize and execute the production of seeds and seedbeds to achieve seedlings that guarantee the maximum yield and quality.
- f) Organize, direct, execute and supervise the storing of tobacco and establish the norms for the selection that govern its classification, purchase, benefit, storage and fumigation.
- g) Organize, direct, execute and supervise the industrial production of cigars and cigarettes, with the objective of greatest efficiency, the best utilization of the installed capacity, the increase of the production, the reduction of costs and the improvement of the quality of the products.
- h) Organize the acquisition, production, warehousing and distribution of the supplies and other materials that are required for the supply of the enterprise and of the private tobacco farmers as well as the acquisition of the assets and goods of whatever character and nature which are considered necessary for the fulfillment of its purposes.
- i) Organize, direct and undertake the distribution of cigars, cigarettes and leaf and other tobacco products in the internal market, as well as the (illegible)

watching out that the deliveries of said products to the retailers be in the quantities and the types necessary, according to the requirements of the population.

- j) Propose the prices and commercial margins that should govern the harvest of tobacco and the wholesale and retail distribution of cigars, cigarettes and leaf and other tobacco products.
- k) Execute the operations related to the export of tobacco in all of its forms, including the conduct of sale in foreign markets and, as may be the case, the other operations of foreign commerce of tobacco that the Government may assign it, adjusting to the commercial policy that the Ministry of Foreign Commerce develops.
- l) Constitute and administer tobacco reserves.
- m) Coordinate the measures destined to facilitate the study and implementation of of the norms and specifications of the raw materials, supplies and other materials the tobacco production requires.
- n) Participate in the activities of scientific cooperation and technical assistance that may be carried out in the field of the tobacco economy, as related to other national organisms as well as to that which may develop with other countries by the competent organisms and coordinate the reciprocal offering of these activities among its dependencies and units.

On Government and Organization

ARTICLE 7. - The government and administration of the Enterprise shall be assigned to a Director, a Vice Director and an Export Manager, that shall have the powers and faculties that are indicated in this law and those that are determined by its Organic Regulations.

ARTICLE 8. - The Director of the Enterprise shall be designated and freely removed by the President of the Republic, who also shall name the Vice Director, at the proposal of the Director of the Enterprise.

The Manager of Export shall be designated and freely removed by the Director of the Enterprise.

ARTICLE 9. - The Director of the Enterprise shall hold its legal representation without prejudice to the faculties that are conferred on the Manager of Export by Article 11 of this Law, and in his character as Superior Chief of same, shall be empowered to:

- a) Exercise the top direction and supervision of the Enterprise, its dependencies and units.
- b) Direct the formulation, execution and control of the plan of the Enterprise, overseeing the strict fulfillment of the commercial and financial obligations of the same.
- c) Agree to, contract and sign on behalf and on account of the Enterprise, the contracts and whatever other documents that may be required.
- d) Name, promote, transfer and dismiss the personnel of the Enterprise, in accordance with the labor legislation in force.
- e) Contract the technical personnel and services which he considers necessary for the fulfillment of the (illegible)
- f) Dictate, by means of resolutions, the norms that are necessary for the better functioning of the Enterprise, its dependents and units.
- g) Delegate whatever of the above mentioned powers and others that may correspond to him to the Vice Director or to whatever other management personnel of the Enterprise.

ARTICLE 10. – The Vice Director shall exercise the powers that are conferred on him in the Organic Regulation and those that the Director may delegate to him and to substitute for the Director in any case of temporary absence.

ARTICLE 11. – The Manager of Export shall hold the legal representation of the Enterprise in all of the operations and transactions related to the export of tobacco in all of its forms. To these ends, he shall have the attributes and powers that the Organic Regulation may assign him and especially to agree to, contract and sign in the name and on the account of the Enterprise, all contracts and whatever other public and private documents may be required; grant powers of all classes and revoke them; issue, sign, accept and endorse commercial documents; open, operate and close bank accounts, in Cuba as well as abroad, and undertake other operations or banking and mercantile actions that the legislation in force authorizes, executing them himself or through other persons to whom he may delegate his powers.

ARTICLE 12. – The Empresa Cubana del Tabaco (CUBATABACO) shall be organized internally in the offices, dependencies, units and provincial and regional delegations that are determined in the Organic Regulation.

ARTICLE 13. – There shall exist a Council of Direction in the Empresa Cubana del Tabaco (CUBATABACO) that shall function as the advisory body of the Director in all the matters which, in his judgment, require the discussion and collective guidance with respect to the general activity of the Enterprise.

The Council of Direction shall be presided over by the Director of the Enterprise, shall meet when he decides and shall be composed according to that determined in the Organic Regulation.

TRANSITORY DISPOSITIONS

FIRST: All the enterprises of the state sector which at the time of the promulgation of this Law are found developing activities related in whatever form to the production of tobacco, except the agricultural activities, shall be merged into the Empresa Cubana del Tabaco (CUBATABACO) which is created by this Law.

As a consequence of the merger established by this Transitory Disposition, the Empresa Cubana del Tabaco (CUBATABACO) is assigned all of the funds, equipment, files, documents and personnel, including the basic means, cash and finances which are assigned or correspond to the enterprises which are merged into it.

SECOND. – The Director of the Empresa Cubana de Tabaco (CUBATABACO), shall coordinate with the Ministries and heads of the corresponding bodies, the transfers of enterprises, (illegible) and functions (illegible)...

THIRD. – Until such time as the Organic regulation is dictated, the Director of the Empresa Cubana del Tabaco (CUBATABACO) shall assume in addition to the attributes and powers conferred on him in this Law, all those necessary for the fulfillment of the purposes for which the Empresa has been created, being authorized through resolutions to set out its organic structure and enact rules and other dispositions which shall govern the offices, dependencies, units and Provincial and Regional delegations of the Enterprise.

FINAL DISPOSITIONS

FIRST. – The Empresa Cubana del Tabaco (CUBATABACO), created by this Law, is subrogated to the assets and rights and substitutes in the contractual and extra contractual obligations of the Empresa Cubana Exportadora de Tabaco (CUBATABACO), created by Resolution number 2 of the first of January of 1962, by the Ministry of Foreign Commerce, of which it is the successor and continuation.

SECOND. – The Director of the Empresa Cubana del Tabaco (CUBATABACO) is empowered to enact the Organic Regulation of the Enterprise.

THIRD. – The Minister of Justice is authorized to issue in the form and under the conditions he believes appropriate to the Empresa Cubana del Tabaco (CUBATABACO) THAT THIS Law creates, all of the modalities of industrial property that refer to tobacco, which the Cuban State has acquired or may acquire by whatever title, whether found registered or not in its favor in the corresponding registries.

FOURTH. – All legal dispositions and regulations in conflict with the fulfillment of that set forth in the present Law, which will go into force from the time of its publication in the Official Gazette of the republic, are repealed.

THEREFORE: I mandate that the present Law be fulfilled and executed in all its parts.

GIVEN en the Palace of the Revolution in Havana, the 25th day of the month of April of 1966.

OSVALDO DORTICOS TORRADO

Fidel Castro Ruz
Prime Minister

Joel Dominican Benitez
Minister of Industries

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

Cancellation No. 92025859

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EMPRESA CUBANA DEL TABACO, d.b.a.	:
CUBATABACO,	:
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Petitioner,	:
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v.	:
	:
GENERAL CIGAR CO., INC.	:
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Respondent.	:
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PARTY OFFERING: PETITIONER

DESIGNATION in 97 Civ. 8399 (RWS), United States District Court, Southern District of New York, *Empresa Cubana de Tabaco d.b.a. Cubatabaco v. Culbro Corp. and General Cigar Co., Inc.*):

Filings: Dkt 111-115 (SJ P.Ex. 103)

REDACTED

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the matter of Trademark Registration No. 1147309
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v.	:
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Respondent.	:
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Filings: Dkt 111-115 (SJ P.Ex. 104)

REDACTED

REDACTED

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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PARTY OFFERING: PETITIONER

DESIGNATION in 97 Civ. 8399 (RWS), United States District Court, Southern District of New York, *Empresa Cubana de Tabaco d.b.a. Cubatabaco v. Culbro Corp. and General Cigar Co., Inc.*):

Filings: Dkt 111-115 (SJ P.Ex. 152)

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The Truth As I See It
by Arthur Schlesinger Jr.





“At the best casinos in Havana, anyone who was lucky at the roulette table would light up a Partagas.”

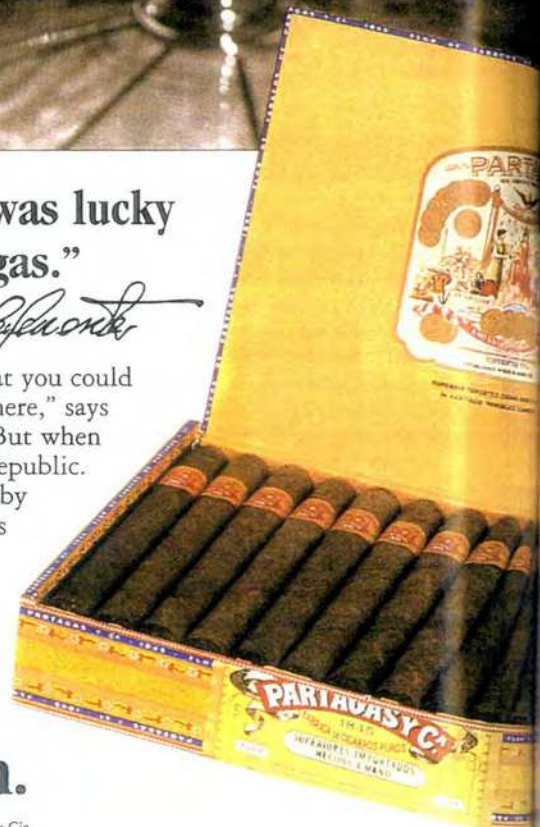
Ramón Cifuentes

In those dashing days, the night life in Havana had a pulse all its own that you could touch, almost taste, especially at the casinos. “The diamonds were everywhere,” says master cigar maker Ramón Cifuentes. “And so were my Partagas cigars.” But when life in Cuba changed, he was forced to find a new one in the Dominican Republic. And today, he is the reason that Partagas is still the only cigar ever made by the same man who made it what it was long ago in Cuba. As Ramón likes to say, “I have been lucky in life.”



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MUCH MORE**



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would eat short lunches so we could
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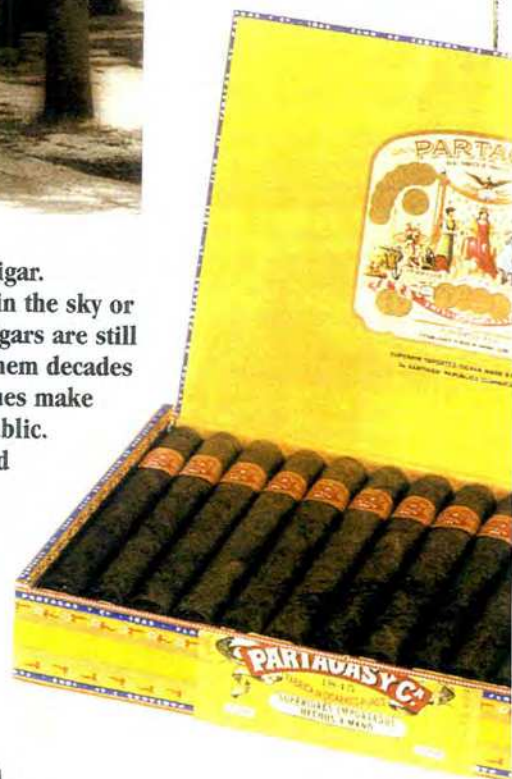
Ramón Cifuentes



In the eyes of Ramón Cifuentes, a Partagas is more than a cigar. It is a way of life, as much a part of each day as the clouds in the sky or an afternoon stroll with friends. And today, only Partagas cigars are still made under the watchful eyes of the same man who made them decades ago in Cuba. The only difference is, Ramón and his colleagues make the cigars a few hundred miles away in the Dominican Republic. “You see, the best tobacco is here now,” Ramón explains. And with that, he lights his favorite Partagas, a Number 1.



The cigar that knew Cuba when.



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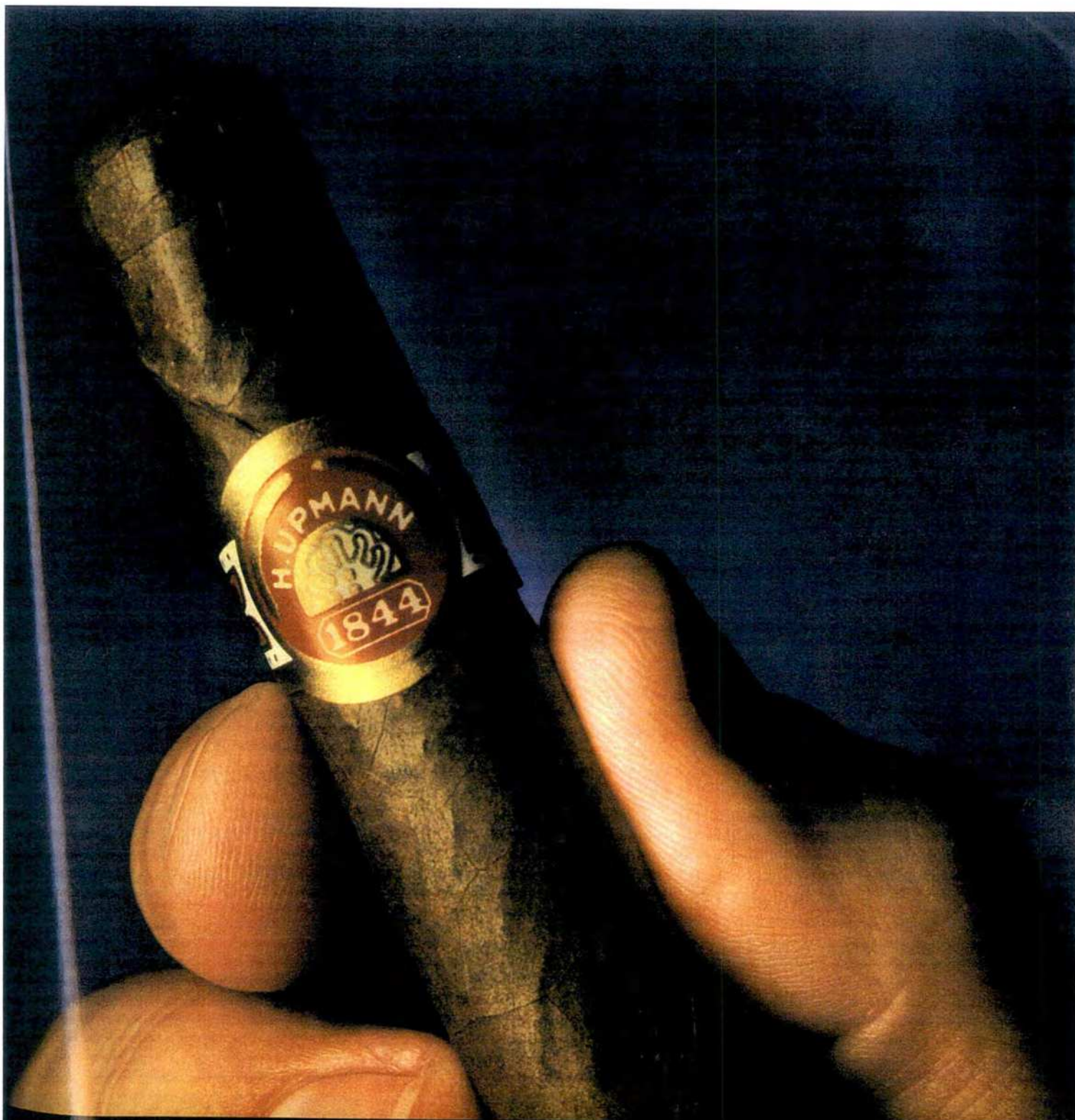
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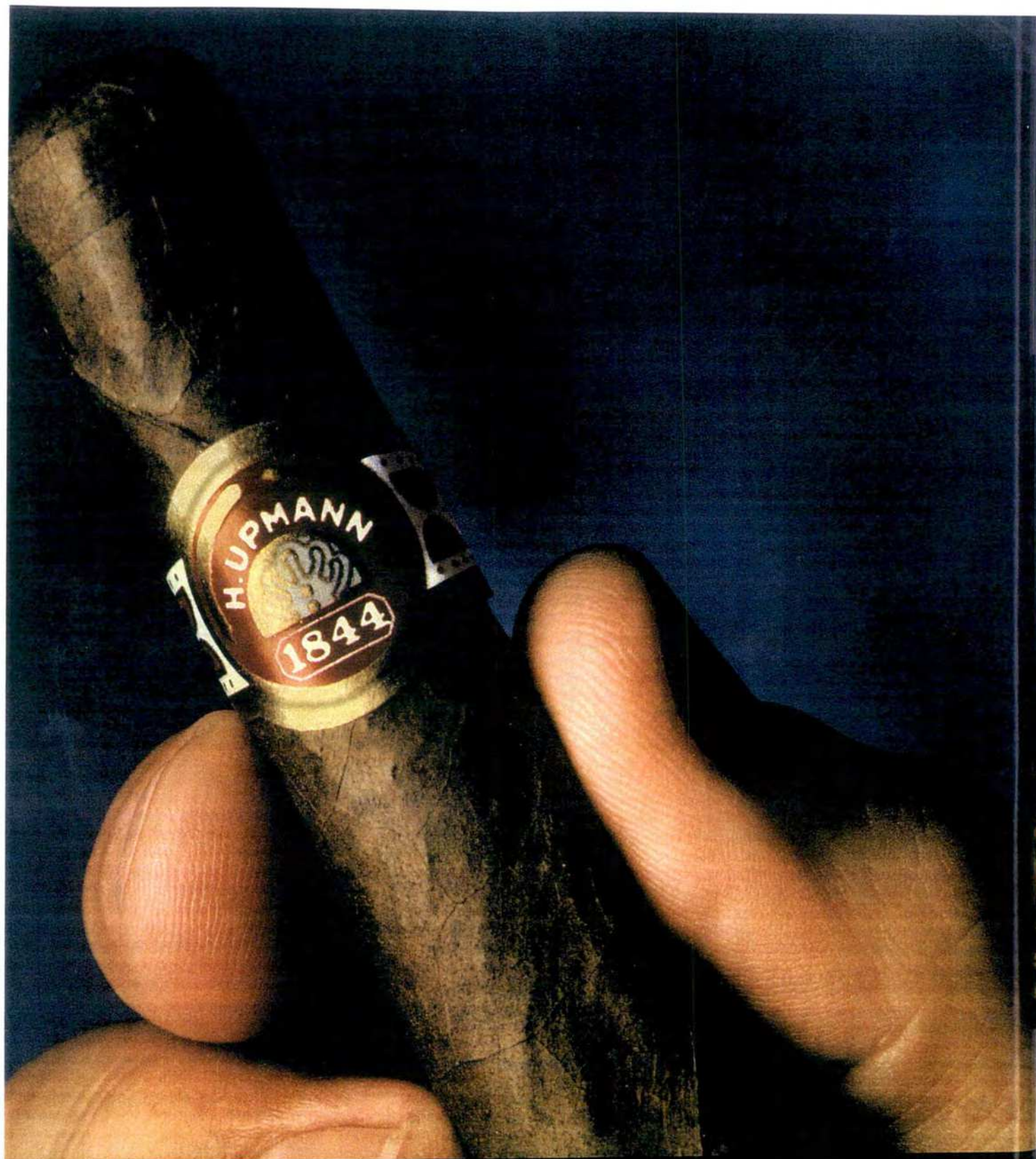
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Petitioner,	:
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Respondent.	:
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PARTY OFFERING: PETITIONER

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Filings: Dkt 111-115 (SJ P.Ex. 153)

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Filings: Dkt 111-115 (SJ P.Ex. 154)

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Filings: Dkt 122 (Decl, SJ P.Ex. 157)

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Filings: Dkt 124-26 (SJ P.Ex. 163)

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Filings: Dkt 124-26 (SJ P.Ex. 165)

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Filings: Dkt 124-26 (SJ P.Ex. 169)

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Filings: Dkt 124-26 (SJ P.Ex. 170)

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EXHIBIT # 71
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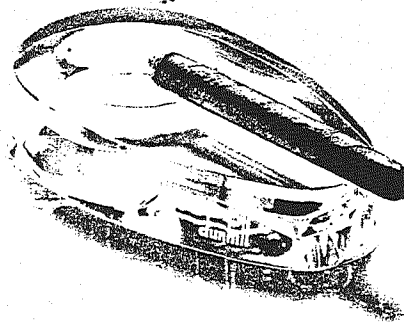
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Filings: Dkt 124-26 (SJ P.Ex. 171)

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4/6/00

ALFRED DUNHILL

Smokers' Requisites

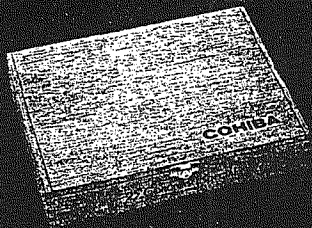


AFD 01908

Robusto
5 1/2" x 50
Box of 25

Corona Especial
6 1/2" x 42
Box of 25

Esplendido
7" x 49
Box of 25



COHIBA

The Dominican Cohiba is made exclusively for Alfred Dunhill. Today's cigar enthusiast need look no further than the Alfred Dunhill humidors for this celebrated range of Cuban origin. A more robust and full bodied blend of tobaccos are hand made with a lighter colored Connecticut wrapper and continue to age in a cedar box.

Filler: Dominican Republic, Mexico, Jamaica Binder: Mexico

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309
For the mark COHIBA
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273
For the mark COHIBA
Date registered: June 6, 1995

Cancellation No. 92025859

-----X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:
CUBATABACO,	:
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Petitioner,	:
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v.	:
	:
GENERAL CIGAR CO., INC.	:
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Respondent.	:
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PARTY OFFERING: PETITIONER

DESIGNATION in 97 Civ. 8399 (RWS), United States District Court, Southern District of New York, *Empresa Cubana de Tabaco d.b.a. Cubatabaco v. Culbro Corp. and General Cigar Co., Inc.*):

Filings: Dkt 124-26 (SJ P.Ex. 172)

Pfs DEPOSITION

EXHIBIT # 73

FOR ID TRN
6/17/00

ALFRED DUNHILL

Established 1893



AFD 01783



cohiba

Highly desirable with a slightly
elusive quality, this cigar is both hard
to define and difficult to keep in stock.

Its complex flavor may account for its clout.

Unbanded and available only through

Alfred Dunhill. Made in the Dominican Republic.

Taste: medium body, rich

Wrapper: Connecticut Shade

Filler: Dominican Republic, Mexico, Jamaica

Binder: Mexico

ROBUSTO, 5½" x 50, Box of 25 (ND0081) \$215

ESPLENDIDO, 7½" x 49, Box of 25 (ND0083) \$225

CORONA ESPECIAL, 6½" x 42, Box of 25 (ND0082) \$205

AFD 01800

eight

1 800 860-8362 24 HOURS, 7 DAYS

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[HTTP://WWW.CIGARAAFICIONADO.COM](http://www.cigaraaficionado.com)

MARCH/APRIL 1997

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Aficionado



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GRETZKY
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MARCH/APRIL 1997

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TASTING: ODD SIZES

Over the years, *Cigar Aficionado's* tasting reports have excluded some cigars due to their shapes and sizes. In this test, we tested 60 cigars that didn't fit into the usual categories.

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INTERVIEW: OSCAR BORUCHIN

Oscar Boruchin is owner of one of the largest cigar retailers in the United States, Mike's Cigars in Miami. He also operates a wholesale cigar business, and he is the driving force behind three top brands—Rancho Guepardos and SMOA collection. In an extensive interview with Marvin R. Shanken, editor and publisher of *Cigar Aficionado*, Boruchin discusses the bright future of the cigar business.

96

THE EL PRODUCTO STORY

Once one of the leading cigar brands in America, this emerald-made smoke was formerly the flagship trademark that it was 40 years ago. But Consolidated Cigar is putting new energy into the cigar, which was George Burns' favorite.

COVER PHOTO BY MICHAEL FINE
PAID, PART OF ONE, GROWING AN
TRAP + VILLAIN + COMING
MOVED BY MANUELA AMALLAS



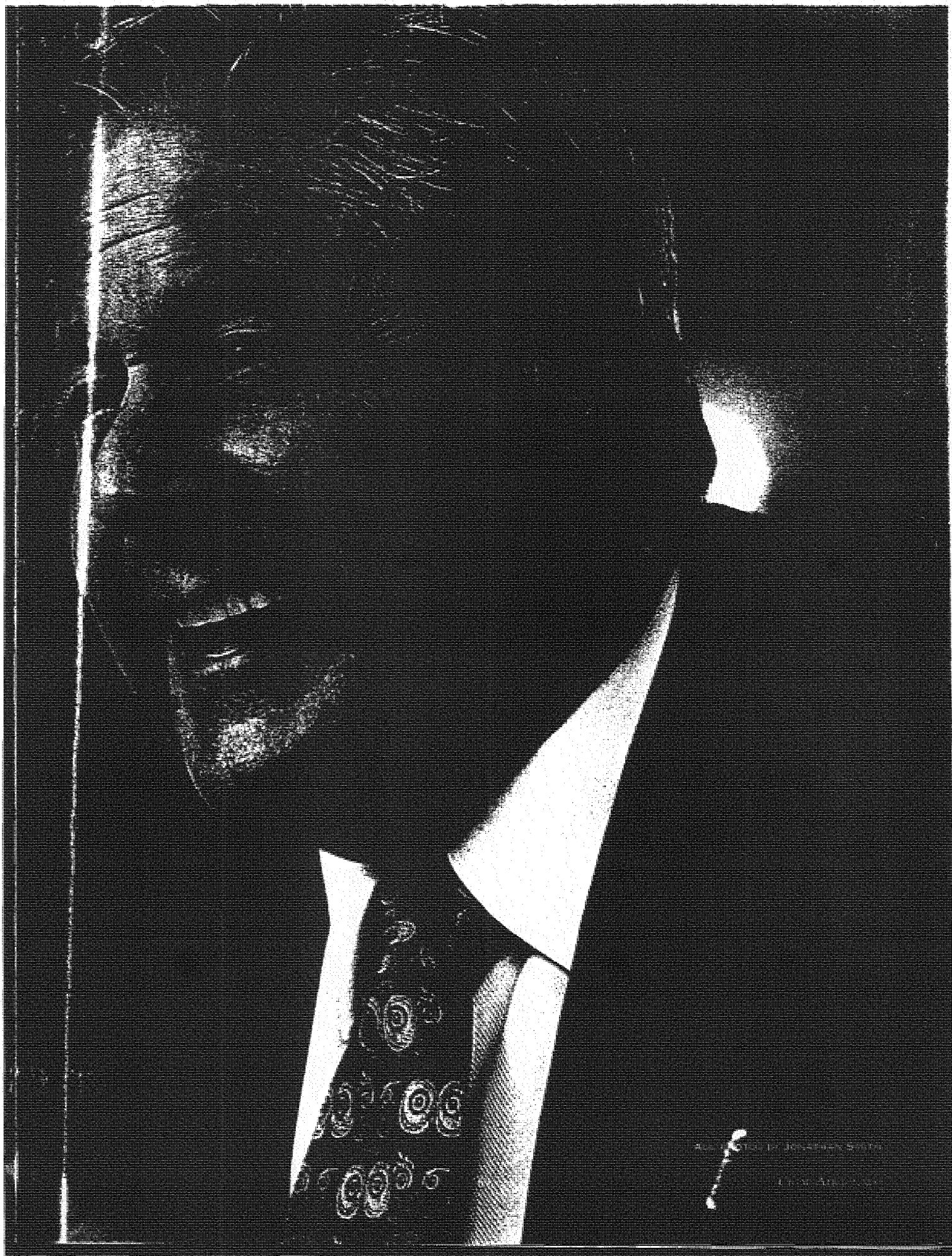
AN INTERVIEW WITH OSCAR BORUCHIN

OWNER OF LICENCIADOS AND 8-9-8 COLLECTION CIGARS
AND PROPRIETOR OF MIKE'S CIGARS, MIAMI BEACH

Oscar Boruchin owns some of the most sought-after brands in the United States today—Licenciados and the 8-9-8 Collection. Boruchin, 63, has built these brands over the last 15 years since he left a job with General Cigar Co. to become a part owner of Mike's Cigars, a cigar shop institution. Today, Boruchin is the sole proprietor of the business, which includes not only his brands, but a large wholesale and mail-order operation and a world-class retail store in the exclusive Bal Harbour area of Miami Beach.

▼ Boruchin's story is a true rags-to-riches tale. He fled Cuba after the family business was nationalized in 1960, arriving in Miami "virtually penniless." He began driving a cab, scrambling to support his family. His association with the cigar business began when a customer, a Cuban exile fresh off the plane, paid his cab fare with cigars, the only possession of value Fidel Castro allowed his countrymen to take out of the country.

▼ Boruchin has a rare vantage point in the cigar industry. He is a brand owner, a wholesale supplier of other retailers and a retailer. He has seen a small, profitable business grow into a \$22 million-plus enterprise in the space of four years. And, he's recently opened a spacious new store, confident that the cigar business will remain strong. Marvin R. Shanken, editor and publisher of CIGAR AFFAIRS, discussed all aspects of the cigar business with Boruchin in a wide-ranging interview.



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CA: In one year?

Boruchin: In one year.

CA: Of the \$22 million, how much is mail order, wholesale and retail?

Boruchin: At one time, wholesale was 80 percent, 85 percent of my business. Today, it's 50 percent. The reason in the change is that our retail business has increased so much that no matter how much more the national companies have been giving us, we don't have enough to wholesale it. We are selling directly to consumers. The store is tremendous. The mail-order is tremendous. So, wholesale and the retail side is about a 50-50 split.

CA: When you moved to your new store last year, you were very nervous because you went from a little hole in the wall to a good-sized store.

Boruchin: We went from 1,800 square feet to 16,500 square feet. And, instead of renting, we bought the building for over a million and a half dollars.

CA: It sounds like you did the right thing.

Boruchin: God knows. The business was already pointed in the right direction two years ago, though. And, it looked like we couldn't continue on Arthur Godfrey Road. I was convinced that I had to move in order to even maintain the business that I was doing.

CA: It would seem that maybe the biggest change from a retailer's or a wholesaler's point of view would be that in the '80s you could get as much of any brand as you wanted, and today you're dependent upon your relationships with the manufacturers. Is that true?

Boruchin: Yes. But we were lucky. We were in a position in the market when the CIGAR AFICIONADO revolution came that helped us cash in. We were probably the second-largest company in the United States in the cigar business. We were in the right place at the right time.

CA: Second to JR Tobacco.

Boruchin: Yes. By the way, we are very friendly competitors and personal friends. He [Lew Rothman, owner of JR Tobacco] is one of

my largest suppliers of cigars.

CA: Many cigar lovers are frustrated about how difficult it is to get their favorite cigars. They always ask, "How long will it be before we can get the established brands?" What do you think?

Boruchin: I think every manufacturer is making tremendous investments, from growing tobacco to training cigar makers to making more boxes. You know the shortage of boxes is one of the biggest problems, even though it's not mentioned very often. I would say that if the consumption continues to grow at this rate, [we may never catch up]. If at one point, the growth does slow down, the bigger manufacturers will catch up. I actually hope it never happens, even though some people

are frustrated. You know why? There're a lot of great products on the market, and a lot of new products are coming to the market. Some of them are great, and you can still find good cigars. When I left my place in Miami, I had a good supply of almost every major brand. That doesn't mean that two weeks from now we might not be out of everything.

CA: You haven't been able to build up inventories?

Boruchin: Not on the major brands.

CA: Have you ever been able to keep large inventories for an extended period?

Boruchin: Not really. We always turned over stock, even though we keep a large inventory because of the nature of our business. But we kept reordering practically every week. The merchandise used to be available. What is not available anymore is deals. Everybody used to wheel and deal at that time to compete. And merchandise could be bought cheaper. It's been one of our main concerns because we were always consumer-oriented. But we are a consumer company and we were always trying to give the consumer the best deal available. It's been tougher now. We are not able to offer the consumer the same business that we did before. Merchandise is so short. It's impossible to get the deals that we used to get before.

CA: Let's change the subject. You are Cuban-American, living in Miami and in the cigar business. Doesn't that put you at the center of a hurricane?

Boruchin: Definitely. When you live in south Florida and you have a million Cubans, the subject of Cuba is unavoidable. It's subsiding a little now. The conservatism of the Cubans of 10, 15 years ago is not that much anymore. For me, a Cuban cigar is the best cigar in the world. I don't care who gets mad. But I don't sell them, and I fight anyone who does because today, Cuban cigars are my biggest competitor. I'm located in an area where most of my customers are affluent people. They all have access to Cuban cigars. Sometimes they are counterfeit, because the popularity of the Cuban cigar has brought counterfeits into the picture. But whether they are real or

Is no word for

ahead of them. I won't see the end of this in my lifetime. Of course, everything in life reaches a ceiling. This won't be an exception. But the cigar business is going to be a tremendous business for a long time to come. I only see one danger. That's government restrictions. Before, nobody cared, but as we grow, as the industry grows, our enemies are going to grow. So, we are going to have to face in the near future a barrage of tremendous bad publicity.

CA: Hasn't that already started?

Boruchin: Yes.

CA: There's so much disinformation about cigars; using cigarette studies to compare smoking habits of cigar smokers is one popular example. How should we fight it?

Boruchin: There's one thing they can't fight. I smoke about 10 or 12 cigars a week. I could go a month without smoking, without any problem. Cigars are not addictive. Nobody can say: "I can't live without cigars." You can be three days without smoking. You can pick up a cigar three days from now and smoke. So, the addiction that they criticize for cigarettes doesn't exist with cigars.

And nobody inhales cigars; if they do it's a very small percentage. The danger of getting sick from cigar smoking is very small. They are going to have a tough time convincing the intelligent consumer of today who smokes in moderation.

CA: Do you feel that the proliferation of all the new brands on the market, some of which are not very well made or quality cigars, presents a potential problem for the industry?

Boruchin: Yes, even though I think this phase will pass. For example, look at the explosion in new tobacco stores. There're not enough cigars to go around for them. A lot of the cigars are just maybe being spread too thin. And some of those new cigars are coming in at extravagant prices. But if you look at the national brands—H. Upmann, Don Diego, Macanudo, Partagas, Bauza, Licenciados, Astral, the regular brands—they are still selling for below \$5. Now you get a new cigar maker that bought tobacco last week, stole three cigar rollers and makes a cigar trying to sell it for \$8 and \$10. They are just ripping off the public. That's going to disappear.

CA: How would you describe, or how would you rate, the quality of these new brands?

Boruchin: Some of them are great. Some of them are garbage. Some of them are garbage in, garbage out, because they don't get the right tobacco, they don't get the right cigar makers, but they still come in to make a killing. This is not the people like us. Many people in the cigar business have been in it for 50 years. But these others just come in to get rich quick. Either they are going to try to go into the stock market and make a killing in the stock market or they are going to try to sell bad product. There is a scarcity of good product in the stores, which allows these newcomers to come in. These retailers need merchandise to sell. Eventually people will realize they are paying a tremendous amount of money for cigars that aren't worth it.

CA: You mentioned the problem with counterfeit Cubans. Is that a new phenomenon?



Boruchin: That never happened five years ago. This is happening since the Cuban cigars have become very popular, together with the cigar industry. Everybody sees it as an opportunity to make money.

CA: In terms of the counterfeit cigars in Miami, are they made in Cuba or are they knock-offs from other countries?

Boruchin: Some come from Cuba. They've been bought on the street there. But the majority are made in the Dominican Republic and Honduras.

CA: And the consumer doesn't know?

Boruchin: Don't forget that most of the young smokers have not been exposed to many Cuban cigars. They buy a box of Cohibas and they smoke a product that is not that great, but they really don't identify it that well. Like maybe you or I could identify it as a fake.

CA: Then they say a Cuban cigar is not so good.

Boruchin: But they like to go around with the band on. What they are trying to do is impress people with the fact they are smoking a Cohiba. Taste means very little. It's just showing off to their friends on Saturday night that they are smoking a Cohiba. They choose by the band.

CA: I get asked all the time by people to tell them whether the cigars are real or not. One guy swore his came from Cuba, and I asked him if they'd been bought in a store and he said, no, right out front. I knew immediately they were fakes. It seems the problem is out of control.

Boruchin: Every other Cuban cigar sold in Miami today is counterfeit. Especially the Cohiba and Montecristo labels. Those are the ones that you see the most. I haven't seen a counterfeit Bolivar, or some of the other brands that are not that popular. I have heard stories of customers of mine that have been hustled by clerks in stores in Cuba, like, "Why do you want to pay \$250 [per box] for this cigar? I can get it to you for \$70, \$80 tonight, if you meet me at such and such a place." Because it's a store clerk offering this deal, people think they must be stolen from the store and are real. But that's not the case.

The Cubans are very ingenious. They always were and that's the

eight, nine, 10 hours a day.

CA: Why is it that whenever I go there, he gives me white gym socks?

Boruchin: You know Mike started out on Orchard Street in New York and he had a pushcart, and he was always there selling socks. He always says that he blesses the memory of [then-New York City Mayor Fiorello] La Guardia, because La Guardia kicked him out of Orchard Street with the pushcart and he had to move to Florida. And he started the cigar business. So, the love of his life has always been socks. So as not to forget that, he keeps a little stock of socks in his desk and everybody that he likes that comes to the store walks out with a pair of socks.

CA: Your store is one of the most beautiful stores in America. Do you have any plans to expand that one store or to add other stores? Either in Florida or elsewhere?

Boruchin: We have 6,500 square feet of retail store. The retail area is adequate. And even if we pile up more stuff in the store, it is adequate. Where we run out of space is in the warehouse, the wholesale and other department operations. We are looking into expanding that area. We are looking within the neighborhood where we are located right now. I have no plans to expand the store. We walk a thin line between being manufacturer, distributor and retailer. If I open up a lot of my cigar stores around the country, I would be competing with my friends. We are not planning to enlarge the retail operation.

CA: What do today's smokers buy? What are they smoking? What are the cigars that are in big demand in terms of flavor, strength, size, color, origin? What is the cigar that is in greatest demand?

Boruchin: The trend today is toward a strong cigar. Size favorites are robustos, a 4 1/2 or 5 [inch] x 50 ring gauge or a 5 1/2 x 50 ring gauge. On many occasions, you can't smoke a large cigar unless you find a friendly place or in your house. Most of the places you want a shorter smoke because you want to finish and you don't want to throw it away. When a new smoker walks in, the preference is for a mild cigar. But he graduates to a medium to strong cigar very quickly. I see them come in the first day and buy cigars. But then you see them a month later and they already are looking at a little stronger cigar, such as a Partagas, a Fuente, a Bauza. At the beginning, they all feel they want to start with a mild cigar. But it is surprising how they move pretty quickly to a strong smoke.

CA: How much do they want to spend on a cigar?

Boruchin: Price is no object. When you see that some of the retailers come to my place and pay full price and then go out to sell it at a tremendous profit, it means people are going in those places and buying cigars for \$10, \$9, \$8 apiece. I think availability is the main issue today. If you have the product, you have no problem charging whatever you want.

CA: In south Florida, are there today many places where you can go and enjoy a nice meal and have a cigar afterwards? Or are there still a lot of problems in terms of having a place to eat and then smoke?

Boruchin: You still have a lot of problems. There're not too many places that you can go openly and light up a cigar where you're

lot of clubs are opening up, even though I don't count clubs. I like restaurants, where you can sit down and enjoy a cigar. One of them is The Forge, especially since they opened up the Cuba Club next door. But they keep humidors with cigars in both places. And you can light up a cigar any place in The Forge. It might be another half dozen restaurants like that. But that's all.

CA: Do you see any local legislation coming along to restrict cigar smoking in south Florida?

Boruchin: They have tried. But Florida is a big producer of cigars, and we've been able to stop those efforts before. However, I won't be surprised if it will happen in the future. Not too long ago [the state] tried to pass a tax on cigars and it was defeated. They just passed a tax on tobacco, but they never touch the cigars. In Tampa and Miami, a lot of people still make a living in the industry.

CA: You once told me a story about the brand name Cohiba and the trademark. Could you tell it again?

Boruchin: In the '70s, a friend of mine, Bernardo Benes, was retained by the Carter Administration. Bernardo had been a friend of Fidel in Havana University and at the beginning of the Revolution, he was a subsecretary in the Treasury Department. He left Cuba because of ideological differences. But he is not a

"At one time,
the cigar industry was like
a big family. It still is."

conservative Cuban. He worked closely with Claude Pepper when he was a congressman, and he was on retainer with the State Department during the Carter Administration. He used to go and see Castro often, always on different missions that didn't really come out in the press. One time he came back from Cuba and he gave me a little pack with four or five lanceros. And he told me these are cigars that Fidel smokes that he gives to people that visit with him. The cigar is not a commercial brand. At that time, they didn't ever dream that they were going to make it commercial. I was working for General Cigar at that time and, loyal employee that I was, I sent the bands and a couple of cigars to Edgar Cullman Jr. And I told the Cullmans the story that I just told you. And General went ahead and registered the brand. And sure enough, nobody had an intent to register it then because the brand wasn't even commercially available. So, General Cigar owns the brand in the United States.

CA: You've been in the cigar trade for 36 years. Do you ever look in the mirror and pinch yourself?

Boruchin: Yes. But, I can't tell you the number of times that I considered leaving the business. The only problem with cigars is that it gets into your skin. The cigar business, you just couldn't leave it. You get to love the business so much and the people in the business. I bet you that there's not another industry that has the friendships that I have. I say that because lately, like any industry that grows so much, it attracts a lot of

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Filings: Dkt 124-26 (SJ P.Ex. 182)

REDACTED

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Filings: Dkt 124-26 (SJ P.Ex. 185)

REDACTED

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Filings: Dkt 124-26 (SJ P.Ex. 193)

REDACTED

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REDACTED

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Filings: Dkt 124-26 (SJ P.Ex. 196)

REDACTED

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Filings: Dkt 135 (SJ P.Ex. 205-208)

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